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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MTS-3206US

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7590

08/23/2004

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EXAMINER

AZARIAN, SEYED H

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,316

Applicant(s)

MORI ET AL.

Examiner

Seyed Azarian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 32 is/are allowed.
6) ☒ Claim(s) 1-16, 21, 23-28, 31 and 33 is/are rejected.
7) ☒ Claim(s) 17-20, 22, 29 and 30 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 18.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

RESPONSE TO AMENDMENT

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/1/2004 has been entered.
2. Applicant's arguments, filed 4/30/2004, see page 10 through 13 of remarks with respect to the rejection of claims 1-33 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lewis et al (U.S. patent 5,673,331).
3. Applicants' argues in essence that there is no teaching to **"a camera for focusing on the display of the measuring instrument"**.

With respect to applicant's argument Examiner disagrees and indicates Lewis teaches the following features: a video camera is positioned such that meter is within the video image generated by the video camera, are located in close proximity to one another, which video signal will be fed directly to the image digitizer (Fig. 1, elements 2, column 3, lines 29-46).

DETAILED ACTION

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-16, 21, 23-24 and 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Doi et al (U.S. patent 6,525,670) in view of Lewis et al (U.S. patent 5,673,331).

Regarding claim 1, Doi discloses a data input apparatus comprising: image-acquiring unit acquiring an image of data by directly inputting the image displayed on a data display section of a measuring instrument (column 11, line 50 through column 12, performing the wireless transmission is used and the terminal device 3 is able to display health data and perform data communication);

number reader reading numbers in said acquired image; and a display displaying the read numbers (column 10, lines 5-17, measuring data, as a result can be read by one data transferring device 2);

a display displaying the read numbers (column 11, lines 25-37, displaying on the monitor).

However Doi is silent about “a camera for focusing on the display of the measuring instrument”. On the other hand Lewis in the same field of acquiring an image by camera, teaches

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a video camera is positioned such that meter is within the video image generated by the video camera, are located in close proximity to one another, which video signal will be fed directly to the image digitizer (Fig. 1, elements 2, column 3, lines 29-46).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify image inputting system of Doi according to the teaching of Lewis because it provides method and apparatus for automatic meter reading employing a video camera for data acquisition from meters which operate via a display, the automated reading device can easily be implemented in an images device such as video camera.

Regarding claim 2, Doi discloses the data input apparatus, wherein said image acquiring means also acquires an image of a portion other than the data display section of said measuring instrument at the same time (Fig. 32-34, column 13, lines 20-29, block diagram showing an essential "portion for controlling another communication data" and column 16, line 17-24, the process of the receiving terminal device which is performed at the foregoing time).

Regarding claim 3, Doi et al discloses the data input apparatus, wherein the information on the measuring instrument read by said image recognizing means is used when said number reading means reads numbers (column 3, line 66 through column 4, line 9, measuring device for reading data).

Regarding claim 6, Doi discloses the data input apparatus, wherein said number reading means reads numbers displayed in analog form (column 11, lines 25-36, refer to displaying data).

Regarding claim 9, Doi discloses the data input apparatus according to one of claim 1 to claim 8, wherein said measuring instrument is a measuring instrument to detect various

physiological conditions of human body and used as an electronic health monitor apparatus (health measuring device or measuring body temperature or sphygmomanometers).

Regarding claim 10, Doi discloses the data input apparatus, wherein said number reading means and/or said image recognizing means are provided on another apparatus connected through a communication channel (column 10, lines 37-42, refer to communication network).

Regarding claim 11, Doi discloses a data input system comprising: the data input apparatus, a TV telephone apparatus to communicate images with a third party at a remote place; and a switching apparatus for switching the output destination of said imaging apparatus, wherein by the user switching the output destination of said imaging apparatus through said switching apparatus according to the purpose of use (Fig. 6, column 10, lines 27-35, refer to monitor and communication infrastructure).

Regarding claim 13, Doi discloses a data input system comprising: the data input apparatus according to claim 4, which is a measuring instrument to detect various physiological conditions of human body; a TV telephone apparatus to communicate images with a third party at a remote place; an affected area image data collection apparatus for collecting image data of an affected area; and a switching apparatus for switching the output destination of said imaging apparatus, wherein by switching the output destination of said imaging apparatus through said switching apparatus according to the user's purpose of use, said imaging apparatus is used as an input apparatus common to said data input apparatus, said TV telephone apparatus and said affected area image data collection apparatus (column 11, line 62 through column 12, line 8, perform data communication to the outside (third party)).

Regarding claim 16, Doi discloses the display data analysis apparatus according to claim 15, wherein said indices are attached to the outer circumference of the display section of the measured data of said measuring apparatus (column 10, lines 5-17, measuring data, as a result can be read by one data transferring device 2 and column 11, lines 25-36, refer to displaying data).

Regarding claim 23, Doi discloses a medium that stores a program and/or data to execute all or some of the functions of all or some of the means of the present invention according to one of claims 1 to 22 and can be processed by a computer (column 13, line 66 through column 14, line 10, memory 34 for storing application software and data).

Regarding claims 4, 7-8 and 12, recites similar limitation as claims 2 and 3, are similarly analyzed.

Regarding claims 14-15 and 33, recites similar limitation as claims 1 and 2, are similarly analyzed.

Regarding claims 21 and 24, recites similar limitation as claim 23, are similarly analyzed.

Claims 5, 25-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doi et al (U.S. patent 6,525,670) in view of Lewis et al (U.S. patent 5,673,331) as applied to claims above, and further in view of Hishinuma et al (U.S. 4,564,861).

Regarding claim 5, Doi and Lewis fails to disclose, "extracting an image". On the other hand Hishinuma et al, teaches extracting an image of a Specific structure contained in at least one of radiation images (column 5, lines 45-67).

Therefore it would have been obvious to a person of ordinary skill in the art at time the

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invention was made, to modify Doi et al and Lewis extracting an image invention according to the teachings of Hishinuma et al because it provides desired image and improve the quality of image for viewing and diagnostic purposes.

Regarding claim 26, Doi discloses the monitoring system wherein step (a) includes forming a marker on the display and identifying the respective measuring device by scanning the marker (Fig. 31, column 20, lines 23-42, marker indicating the leading end of the signal is a header code. The header code is able to contain information such as health measuring device).

Regarding claims 25, 27 and 31, recites similar limitation as claims 1 and 5, are similarly analyzed.

Regarding claim 28, recites similar limitation as claim 26, is similarly analyzed.

Allowable Subject Matter

6. Claims 17, 18, 19, 20, 22, 29 and 30 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Allowable claim

7. The following is an examiner's statement of reasons for allowance.

Claim 32, is allowable due to analyzing unit analyzing the measured data in the image picked up by imaging unit using analysis auxiliary information to analyze the measured data displayed by said measuring apparatus in the case where measured data is detected by detecting unit and an outputting unit outputting the analysis result analyzed by analyzing unit, wherein the

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measuring apparatus includes at least two markers, and the detecting unit is configured to scan the image of the markers to (a) identify the measuring apparatus and (b) identify the measured data displayed between the two markers.

These key features in combination with other features of the claimed invention are neither taught nor suggested by the art of record.

Thus, claim 32 is allowable over the prior art of record.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian

Patent Examiner

Group Art Unit 2625

August 16, 2004



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